UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
--X
JOHN VACCA, et al.,

                     Plaintiffs,

        - against -

TRINITAS HOSPITAL,

                     Defendant.
--X

ORDER

CV 05-0368 (JG) (JO)

JAMES ORENSTEIN, Magistrate Judge:

In a letter dated July 27, 2005, Docket Entry ("DE") 12, plaintiff John Vacca seeks

clarification of certain matters. The plaintiffs apparently are under the impression that "[o]n July

13, 2005, a default judgment was entered for a sum certain." *Id*. That impression is incorrect.

All plaintiffs moved for a judgment of default on June 29, 2005. DE 5. On July 13,

2005, pursuant to Federal Rule of Civil Procedure 55(a), the Clerk noted the defendant's default,

DE 6, but did not enter judgment. As both the Federal Rules of Civil Procedure and the Local

Civil Rules of the court make clear, the entry of a notation of default is a necessary precondition

to, but distinct from, the entry of a default judgment. *See* Fed. R. Civ. P. 55, Loc. Civ. R. 55.1-

55.2.

On July 18, 2005, Trinitas appeared through counsel. DE 7. Upon that appearance, I

entered an order on July 20, 2005, scheduling an initial conference with the parties for August

17, 2005, ast 1:30 p.m. DE 8 On July 25, 2005, the Honorable John Gleeson, United States

District Judge, referred the pending motion for a default judgment to me for a report and

recommendation. DE 11.

Judge Gleeson's expectations, and my own, should thus require no clarification. There is

a pending motion for a default judgment in a case where the defendant has now appeared. I will

expect counsel for all parties to comply with the requirements of my order of July 20, 2005, and

to appear before me on August 17, 2005, prepared to discuss the matters set forth therein and also

prepared to discuss the pending motion for a default judgment in light of current circumstances

so that I may submit my report and recommendation to Judge Gleeson.

      SO ORDERED.

Dated: Central Islip, New York
        August 1, 2005

                               /s/ James Orenstein
                               JAMES ORENSTEIN
                               U.S. Magistrate Judge